

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harri Friberg

Confirmation No.: 8457

Patent No.: 7,212,937

Group Art Unit: 2863

Application No.: 10/534,558

Examiner: Pretlow, Demetrius R

Filed: May 11, 2005

Issued: May 1, 2007

Attorney Docket No.: 516/8

For: GAS FLOW MEASURING DEVICE

ATTN: Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. § 1.324 (a)

Dear Sir:

In accordance with 37 C.F.R. § 1.324 (a), the undersigned having Power of Attorney to take action on behalf of the Assignee, imtmedical ag, hereby petitions the Commissioner to correct the inventorship of U.S. Patent No. 7,212,937.

The currently named sole inventor, Harri Friberg, should remain as an inventor; and Jakob Däscher should be added as a joint inventor with Harri Friberg.

In support of this petition, the Assignee submits the following documents:

1. a Statement pursuant to 37 C.F.R. § 1.324 (b) (1) by Jakob Däscher, a person who is being added as an inventor, that the inventorship error occurred without any deceptive intention on his part;
2. a Statement pursuant to 37 C.F.R. § 1.324 (b) (2) by Harri Friberg, the sole, currently named inventor, who is remaining as an inventor under the joint inventorship, agreeing to the change of inventorship;

3. a Statement pursuant to 37 C.F.R. § 1.324 (b) (3) by the Assignee establishing its ownership of U.S. Patent No. 7,212,937 and its right to take action in this matter; and

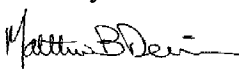
4. a Statement pursuant to 37 C.F.R. § 3.73 (b) by the Assignee.

The fee of \$130.00 under 37 C.F.R. § 1.20 (b) is submitted herewith. If any additional fees are necessary in order to effectuate the petition herein, the Commissioner is authorized to charge such fees to our Deposit Account No. 11-0223.

In view of the foregoing petition and accompanying documentation, the undersigned respectfully requests that the Commissioner issue a certificate naming the actual inventors of U.S. Patent No. 7,212,937 in accordance with 37 C.F.R. § 1.324 (a).

Dated: August 28, 2007

Respectfully submitted,

By 

Matthew B. Dernier

Registration No.: 40,989

KAPLAN GILMAN GIBSON & DERNIER LLP

900 Route 9 North, Suite 504

Woodbridge, New Jersey 07095

(732) 634-7634

Attorneys for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harri Friberg

Confirmation No.: 8457

Patent No.: 7,212,937

Group Art Unit: 2863

Application No.: 10/534,558

Examiner: Pretlow, Demetrius R

Filed: May 11, 2005

Issued: May 1, 2007

Attorney Docket No.: 516/8

For: GAS FLOW MEASURING DEVICE

ATTN: Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. § 1.324 (b)(1)

Dear Sir:

The inventorship currently listed on U.S. Patent No. 7,212,937 is incorrect. Such inventorship fails to include my name, Jakob Däscher. This inventorship error of failing to include Jakob Däscher as an inventor of the patent occurred without any deceptive intention on my part.

Date: 7. Aug. 2007

Signature: _____

Name: Jakob Däscher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harri Friberg

Confirmation No.: 8457

Patent No.: 7,212,937

Group Art Unit: 2863

Application No.: 10/534,558

Examiner: Pretlow, Demetrius R

Filed: May 11, 2005

Issued: May 1, 2007

Attorney Docket No.: 516/8

For: GAS FLOW MEASURING DEVICE

ATTN: Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF HARRI FRIBERG PURSUANT TO 37 C.F.R. § 1.324 (b)(2)

Dear Sir:

I, Harri Friberg, am the currently named inventor of U.S. Patent No. 7,212,937. The currently listed inventorship on this patent is incorrect. Such inventorship fails to include joint inventor, Jakob Däscher. I agree to the change of inventorship including Jakob Däscher as a joint inventor.

Date: 25. June 2007

Signature: _____

Name: Harri Friberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harri Friberg

Confirmation No.: 8457

Patent No.: 7,212,937

Group Art Unit: 2863

Application No.: 10/534,558

Examiner: Pretlow, Demetrius R

Filed: May 11, 2005

Issued: May 1, 2007

Attorney Docket No.: 516/8

For: GAS FLOW MEASURING DEVICE

ATTN: Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT PURSUANT TO 37 C.F.R. § 1.324 (b)(3)

Dear Sir:

In accordance with 37 C.F.R. §§ 1.324(b)(3) and 3.73(b), the undersigned having power to sign on behalf of imtmedical ag, the Assignee, hereby establishes its ownership of U.S. Patent No. 7,212,937 and hereby states that the documentary evidence as to such ownership may be established as follows:

an executed and recorded assignment by the currently named inventor, Harri Friberg, to imtmedical ag, dated June 14, 2005 (copy enclosed); and

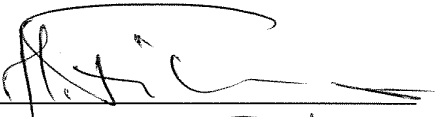
an executed assignment by Jakob Däscher to imtmedical ag (copy enclosed).

The Assignee of the above-identified patent application, hereby consents to the correction of inventorship.

Date: 7. August 2007

Signature: _____

Name: _____


Harri Friberg

Assignment of Patent Rights

The parties to this assignment are listed below and if there is more than one Assignor or Assignee, the words "Assignor" and "Assignee" shall include them:

Assignor: Harri Friberg having an address at Gewerbstrasse 8, CH-9470 Buchs, Switzerland; and

Assignee: IMT Medical AG having an address at Spaniagasse 21, FL-9490 Vaduz, Liechtenstein.

This assignment relates to the following patent application and/or issued patent, which is hereinafter referred to as "the Patent":

☐ a United States patent application signed by Assignor on _____, 2005, and entitled _____; or

☒ a United States patent application filed in the U.S. Patent and Trademark Office on May 11, 2005, Application No. 10/534,558, entitled GAS FLOW MEASURING DEVICE or

☐ an issued United States patent, issued on _____, 2005, under United States Patent No. _____.

Assignor has received Ten Dollars (\$10.00) and other good and valuable consideration for this assignment. Assignor assigns to Assignee all of Assignor's right, title and interest in the Patent, the invention(s) described and claimed in the Patent, and all patents that may issue based on the invention(s) and on the Patent, including any patent that issues from a divisional and/or continuing application claiming benefit of the Patent, in the United States *and in every foreign country*, including the right to enforce the Patent for infringement accrued prior to the effective date of this assignment. *Assignor also assigns to Assignee all priority rights in the Patent. * In those countries where permitted, the Assignor authorizes the Assignee to apply for patents for the invention directly in Assignee's name.** Assignor authorizes the Commissioner of Patents and Trademarks or other governmental authority to issue all patents for the invention directly to Assignee. Assignor states that Assignor has the right to grant to Assignee the rights which are assigned by this assignment. Assignor will sign any additional documents as may be needed to carry out the purpose of this assignment. This assignment is binding on all parties who lawfully succeed to the rights of or take the place of Assignor or Assignee.

The undersigned hereby grant(s) to the firm of Kaplan & Gilman, L.L.P., 900 Route 9 North, Woodbridge, New Jersey 07095, the power to insert on this assignment any further identification of the Patent which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office concerning recordation of this document.

The effective date of this assignment is _____.

SIGNATURE(S)

DATE

TYPED OR PRINTED NAME(S)


First Assignor Signature

x 14. 6. 2005

Harri Friberg

Witness Jakob Döschner

Date 14. 6. 2005

Witness Susanne Koch

Date 14. 06. 2005

* Strike italicized sections only if foreign rights are not intended to be assigned.

Assignment of Patent Rights

The parties to this assignment are listed below and if there is more than one Assignor or Assignee, the words "Assignor" and "Assignee" shall include them:

Assignor: Jakob Däscher having an address at c/o imtmedical ag, Gewerbestrasse 8, CH-9470 Buchs SG, Switzerland; and

Assignee: imtmedical ag, having an address at Gewerbestrasse 8, CH-9470 Buchs SG, Switzerland.

This assignment relates to the following patent application and/or issued patent, which is hereinafter referred to as "the Patent":

☐ a United States patent application signed by Assignor on _____, 2005, and entitled _____; or

☒ a United States patent application filed in the U.S. Patent and Trademark Office on May 11, 2005, Application No. 10/534,558, entitled GAS FLOW MEASURING DEVICE; and

☒ an issued United States patent, issued on May 1, 2007, under United States Patent No. 7,212,937.

Assignor has received Ten Dollars (\$10.00) and other good and valuable consideration for this assignment. Assignor assigns to Assignee all of Assignor's right, title and interest in the Patent, the invention(s) described and claimed in the Patent, and all patents that may issue based on the invention(s) and on the Patent, including any patent that issues from a divisional and/or continuing application claiming benefit of the Patent, in the United States *and in every foreign country*, including the right to enforce the Patent for infringement accrued prior to the effective date of this assignment. *Assignor also assigns to Assignee all priority rights in the Patent.* In those countries where permitted, the Assignor authorizes the Assignee to apply for patents for the invention directly in Assignee's name.** Assignor authorizes the Commissioner of Patents and Trademarks or other governmental authority to issue all patents for the invention directly to Assignee. Assignor states that Assignor has the right to grant to Assignee the rights which are assigned by this assignment. Assignor will sign any additional documents as may be needed to carry out the purpose of this assignment. This assignment is binding on all parties who lawfully succeed to the rights of or take the place of Assignor or Assignee.

The undersigned hereby grant(s) to the firm of Kaplan Gilman Gibson & Dernier, L.L.P., 900 Route 9 North, Woodbridge, New Jersey 07095, the power to insert on this assignment any further identification of the Patent which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office concerning recordation of this document.

The effective date of this assignment is _____.

SIGNATURE(S)

DATE

TYPED OR PRINTED NAME(S)

Assignor Signature

7. Aug. 2007

Jakob Däscher
Jakob Däscher

Witness

A. Kull

Date

7. August 2007

Witness

H. Friberg (H. Friberg)

Date

7. Aug. 2007

* Strike italicized sections only if foreign rights are not intended to be assigned.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: imtmedical ag

Application No./Patent No.: 7/212,937 Filed/Issue Date: May 1, 2007

Entitled: Gas Flow Measuring Device

imtmedical ag, a Agency
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Harri Friberg
Signature
Harri Friberg
Printed or Typed Name
Managing Director
Title

7. Aug. 2007
Date
+41 81 750 06 46
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.